

By the Committee on Environmental Preservation and Conservation;
and Senator Simmons

592-02317A-18

20181664c1

1 A bill to be entitled
2 An act relating to basin management action plans;
3 amending s. 403.067, F.S.; defining "onsite sewage
4 treatment and disposal system"; requiring the
5 Department of Environmental Protection and other
6 entities, as part of a basin management action plan,
7 to develop onsite sewage treatment and disposal system
8 remediation plans under certain conditions; specifying
9 parameters for selecting priority focus areas for
10 remediation; specifying the parameters for developing
11 and adopting a remediation plan; specifying
12 requirements for the installation, repair,
13 modification, or upgrade of certain onsite sewage
14 treatment and disposal systems; requiring the
15 department to evaluate the need for the creation or
16 improvement of wastewater treatment facilities;
17 authorizing funding; providing criteria for the
18 prioritization of funding for wastewater treatment
19 facilities; requiring the department to develop rules;
20 providing a directive to the Division of Law Revision
21 and Information; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Present paragraph (d) of subsection (7) of
26 section 403.067, Florida Statutes, is redesignated as paragraph
27 (f), and new paragraphs (d) and (e) are added to that
28 subsection, to read:

29 403.067 Establishment and implementation of total maximum

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30 daily loads.-

31 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
32 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.-

33 (d) Onsite sewage treatment and disposal systems.-

34 1. For purposes of this paragraph, "onsite sewage treatment
35 and disposal system" has the same meaning as in s. 381.0065.

36 2. As part of a basin management action plan, the
37 department, the Department of Health, relevant local
38 governments, and relevant local public and private wastewater
39 utilities must develop an onsite sewage treatment and disposal
40 system remediation plan if the department determines that
41 remediation is necessary to achieve a total maximum daily load.
42 In order to promote cost-effective remediation, the department
43 may identify one or more priority focus areas. The department
44 shall identify these areas by considering soil conditions;
45 groundwater or surface water travel time; proximity to surface
46 waters, including predominantly marine waters as defined by
47 department rule; hydrogeology; onsite system density; nutrient
48 load; and other factors that may lead to water quality
49 degradation. The remediation plan must identify cost-effective
50 and financially feasible projects necessary to reduce the
51 nutrient impacts from onsite sewage treatment and disposal
52 systems. The plan shall be completed and adopted as part of the
53 basin management action plan within 5 years of the effective
54 date of this act. The department is the lead agency in
55 coordinating the preparation and adoption of the plan. In
56 developing and adopting the plan, the department shall:

57 a. Collect and evaluate credible scientific information on
58 the effect of nutrients on surface and groundwaters;

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59 b. Work with local stakeholders to develop a public
60 education plan to provide area residents with reliable,
61 understandable information about onsite sewage treatment and
62 disposal systems and surface and groundwater pollution;

63 c. Ensure that the plan includes options, if appropriate,
64 for system repair, upgrade, or replacement; drainfield
65 modification; the addition of effective nutrient-reducing
66 features; connection to a central sewerage system; or other
67 actions addressing onsite sewage treatment and disposal system
68 issues. The department shall include in the plan a priority
69 ranking for each onsite system, or group of systems, that
70 requires remediation. The priority ranking shall be used to
71 ensure the most effective, efficient use of the funding provided
72 for onsite system remediation. In awarding any such funds, the
73 department may consider expected nutrient reduction benefit per
74 unit cost, the size and scope of the project, local financial
75 contribution to the project relative to the overall cost, and
76 the financial impact on property owners and the community. For
77 the purpose of awarding funds, the department may, at its
78 discretion, totally or partially waive this consideration of the
79 local contribution for proposed projects within an area
80 designated as a rural area of opportunity under s. 288.0656; and

81 d. Ensure that the plan includes an implementation schedule
82 for completion of the actions related to reducing onsite sewage
83 treatment and disposal system nutrient loads, with milestones,
84 periodic progress evaluations, and a completion date necessary
85 to achieve the total maximum daily load within the timeframe
86 established in the basin management action plan.

87 3. The installation, repair, modification, or upgrade of

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88 onsite sewage treatment and disposal systems on lots of 1 acre
89 or less and within the boundaries of a basin management action
90 plan with an onsite sewage treatment and disposal remediation
91 plan must conform to the requirements of the remediation plan.

92 (e) Wastewater treatment facilities.—As part of the basin
93 management action plan, the department shall evaluate the need
94 for the creation or improvement of wastewater treatment
95 facilities to meet the total maximum daily load. The department
96 shall identify funding sources available to the relevant local
97 governments for the creation or improvement of wastewater
98 treatment facilities. The department and the relevant water
99 management districts are authorized and encouraged to enter into
100 cost-share agreements with the relevant local governments for
101 the creation or improvement of wastewater treatment facilities.
102 If a wastewater treatment facility is identified for funding
103 pursuant to this paragraph, the department and the water
104 management districts shall give priority to projects according
105 to the extent each project is intended to remove, mitigate, or
106 prevent adverse effects on surface or groundwater quality and
107 public health. The relative costs of achieving environmental and
108 public health benefits must be taken into consideration during
109 the department's or water management district's assignment of
110 project priorities. The department shall adopt a priority system
111 by rule. In developing the priority system, the department or
112 water management district shall give priority to projects that:

113 1. Eliminate public health hazards;

114 2. Enable compliance with laws requiring the elimination of
115 discharges to specific water bodies;

116 3. Assist in the implementation of total maximum daily

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117 loads adopted under this section;

118 4. Enable compliance with other pollution control
119 requirements, including, but not limited to, toxics control,
120 wastewater residuals management, and reduction of nutrients and
121 bacteria;

122 5. Assist in the implementation of surface water
123 improvement and management plans and pollutant load reduction
124 goals developed under state water policy;

125 6. Promote reclaimed water reuse;

126 7. Eliminate failing onsite sewage treatment and disposal
127 systems or those that are causing environmental damage; or

128 8. Reduce pollutants to and otherwise promote the
129 restoration of Florida's surface and groundwaters.

130 Section 2. Division of Law Revision and Information is
131 directed to replace the phrase "the effective date of this act"
132 wherever it occurs in this act with the date the act becomes a
133 law.

134 Section 3. This act shall take effect July 1, 2018.

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